IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2445 OF 2007

Smt.Sharda Sumitra Ahire ...Applicant

V/s.

State of Maharashtra & Anr. ...Respondents

Mr.I.R. Kulkarni for Applicant.
Mr.P.P. Runwal for Respondent No.2.
Mrs.M.M. Deshmukh APP for the State.

CORAM : V.M. KANADE, J.
DATED : 26th OCTOBER, 2007.

P.C:-

1. Learned counsel for the Respondent No.2 has taken a preliminary objection. He submitted that application was not maintainable at the Bombay Bench and the application would have to be filed at Aurangabad Bench of the Bombay High Court.

2. Learned counsel for the Applicant submitted that in view of Rule 22 r/w 29 of Letters Patent of the Bombay High Court, this application would be maintainable at the Bombay Bench. This submission, in my view, cannot be accepted in view of fact that Aurangabad Bench has been established in

the year 1982 and all the matters which are filed within jurisdiction of the Aurangabad Bench have to be filed at the said Bench and not at the Bombay Bench. Said Rule 22 r/w 29 of Letters Patent of the Bombay High Court, therefore, will not apply in the facts of the present case. Hence, submissions of the learned counsel for the applicant cannot be accepted.

3. Applicant is seeking transfer of case which is filed at Jalgaon and therefore, Application is filed U/s.407 of Cr.P.C. In my view, objection raised by the learned counsel for the Respondent No.2 is a valid objection and, therefore, it is not possible to entertain this application for transfer of the case at the Bombay Bench. Criminal application, therefore, dismissed on the ground of not being maintainable at the Bombay Bench and liberty is granted to the applicant to file an application seeking same relief as is sought in this application by filing at Aurangabad Bench. It is clarified that applicant shall be exempted from appearing in the criminal case which is launched at Jalgaon for four weeks from today. The Applicant may file an application at the Aurangabad Bench and seek further interim orders.

. Application is disposed of accordingly.

V.M. KANADE, J.